

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION

In re:	§	Chapter 11
	§	
DARYL GREG SMITH,	§	Case No. 21-60162-rbk
	§	
CANADIAN RIVER RANCH, LLC	§	Case No. 21-60163-rbk
	§	
Debtors.	§	(Jointly Administered Under
	§	Case No. 21-60162-rbk)

**TRUSTEE’S WITNESS AND EXHIBIT LIST IN SUPPORT OF MOTION FOR ORDER
(I) APPROVING ASSUMPTION OF SOLAR LEASE; (II) AUTHORIZING ENTRY
INTO LEASE AMENDMENT; (III) PROVIDING PROTECTIONS FOR LESSEE;
AND (IV) AUTHORIZING THE CHAPTER 11 TRUSTEE TO EXECUTE CERTAIN
DOCUMENTS PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 70,
MADE APPLICABLE TO THIS PROCEEDING THROUGH
FEDERAL RULE OF BANKRUPTCY PROCEDURE 7070**

TO THE HONORABLE RONALD B. KING,
UNITED STATES BANKRUPTCY JUDGE:

Gregory S. Milligan, in his capacity as Chapter 11 Trustee of the above captioned Estates (the “**Trustee**”) files this Designation of Witnesses and Exhibits for the hearing on the *Trustee’s Expedited Motion for Entry of Order: (I) Authorizing Assumption of Solar Lease; (II) Authorizing Entry into Lease Amendment; (III) Providing Protections for Lessee; and (IV) Authorizing the Chapter 11 Trustee to Execute Certain Documents Pursuant to Federal Rule of Civil Procedure 70, Made Applicable to this Proceeding through Federal Rule of Bankruptcy Procedure 7070* (the “**Motion**”)¹ scheduled for hearing on July 13, 2021 (the “**Hearing**”) as follows:

WITNESSES

The Trustee reserves the right to call the following witness(es):

1. Greg Milligan

¹ Capitalized terms not otherwise defined herein shall have the meaning ascribed to them in the Motion.

In addition, the Trustee reserves the right to call any witness designated by any other party, and any witness necessary for rebuttal or to authenticate a document.

EXHIBITS

The Trustee may offer into evidence any or all of the following exhibits at the Hearing:

Exh. No.	Description	Offer	Object	Admit
1.	Final Decree of Divorce entered by the State Court in the State Court Proceeding			
2.	Special Warranty Deed concerning the Subject Property executed by Stanley Wright, as Receiver on February 7, 2020, and recorded in Bosque County, Instrument No. 2020-00455			
3.	Ground Lease Agreement as between Caddoa Creek Ranch, LLC and Angus Solar, LLC executed on October 31, 2017 (the “ Lease ”)			
4.	Memorandum of Lease dated October 25, 2019 and recorded on June 28, 2019 filed in the Bosque County Clerk’s Office, Instrument No. 2019-02195			
5.	First Amendment to the Lease as between Caddoa Creek Ranch, LLC and Angus Solar, LLC executed on July 22, 2020			
6.	Order Appointing Substitute Receiver and Granting Specific Authority to Receiver entered by the State Court on February 7, 2020.			
7.	Declaration of Gregory S. Milligan ²			
8.	Second Amendment to Ground Lease Agreement			
9.	Subordination Agreement			
10.	Corrected Transfer Deed			

In addition, the Trustee designates and asks the Court to take judicial notice of any pleadings, including exhibits, filed in adversary No. 21-06007-rbk, or the above captioned bankruptcy cases, which are being jointly administered under Case No. 21-60162-rbk and any exhibits designated by any other party. The Trustee reserves the right to amend or supplement this Designation as may otherwise be appropriate.

² Exhibits 7-10 are in the process of being completed and will be circulated immediately upon completion.

Respectfully submitted,

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By: /s/ Morris D. Weiss

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PROPOSED COUNSEL TO GREGORY S.
MILLIGAN, CHAPTER 11 TRUSTEE

CERTIFICATE OF SERVICE

The foregoing was served on all parties on the attached service list via ECF or via United States mail on July 12, 2021.

/s/ Morris D. Weiss
Morris D. Weiss

SERVICE LIST

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